

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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ACCIDENT INVOLVING AMTRAK TRAIN

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#89 AND MOW EQUIPMENT AND

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Docket No.: DCA16FR007

EMPLOYEES, NEAR CHESTER,

*

PENNSYLVANIA ON APRIL 3, 2016

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Interview of: DJ STADTLER

Amtrak
Washington Union Station
Washington, D.C.

Thursday,
September 29, 2016

APPEARANCES:

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Chairman, Track and Engineering Group
National Transportation Safety Board

RYAN FRIGO, Investigator-in-Charge
Chairman, Operations Group
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BOB BEATON, Ph.D., Division Chief
Human Performance and Survival Factors Division
National Transportation Safety Board

ANN GARCIA, Accident Investigator
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JESSICA HARVEY, Accident Investigator
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FRAN WALKER, Track Safety Inspector
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LOU TOMASSONE, IIC
Federal Railroad Administration

DONALD HILL, Safety Task Force
Brotherhood of Locomotive Engineers and Trainmen (BLET)

WILLIAM BATES, Co-Director, National Transportation
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SMART Transportation Division

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(On behalf of Mr. Stadtler)

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FORREST HOLDCROFT
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I N T E R V I E W

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2 MR. HIPSKIND: Good morning, everybody. My name is Richard
3 Hipskind, and I'm the Track and Engineering Group chairman for
4 NTSB for this accident.

5 We are here today on September 29th, 2016, at Amtrak's
6 Washington Union Station in Washington, D.C. to conduct an
7 interview with Mr. DJ Stadtler who works for the National Railroad
8 Passenger Corporation, or Amtrak.

9 This interview is in conjunction with NTSB's investigation of
10 a collision of Amtrak Train 89 with maintenance-of-way equipment
11 and employees on April 3rd, 2016, at milepost 15.7 on Amtrak's PW
12 Line near Chester, Pennsylvania in Delaware County. The NTSB
13 Accident Reference Number is DCA16FR007.

14 Before we begin our interview and questions, let's go around
15 the table and introduce ourselves. Please spell your last name
16 and please identify who you are representing and your title. I
17 would remind everybody to speak loudly and clearly enough so we
18 can get an accurate recording. I'll lead off, and then pass off
19 to my right.

20 Again, my name is Richard Hipskind. The spelling of my last
21 name is H-i-p-s-k-i-n-d. I am the Track and Engineering Group
22 chairman for NTSB on this accident.

23 DR. BEATON: I'm Bob Beaton, B-e-a-t-o-n, and I'm with NTSB.

24 MR. HOEPF: I'm Michael Hoepf, H-o-e-p-f, and I'm also with
25 the NTSB.

1 MS. GARCIA: I'm Ann Garcia, G-a-r-c-i-a, and I'm with the
2 NTSB.

3 MR. WALKER: Fran Walker, W-a-l-k-e-r. I'm a FRA track
4 safety inspector.

5 MR. TOMASSONE: Lou Tomassone, T-o-m-a-s-s-o-n-e. I'm the
6 IIC for the FRA.

7 MR. SCHULTE: Christopher Schulte, S-c-h-u-l-t-e, Supervisory
8 Safety Specialist, Federal Railroad Administration, Philadelphia.

9 MR. HIPSKIND: And Chris, you are --

10 MR. SCHULTE: As an observer.

11 MR. HIPSKIND: As an observer. Okay. Thank you.

12 MS. HARVEY: Jessica Harvey, H-a-r-v-e-y, NTSB. I am
13 hosting.

14 MR. HOLDCROFT: Forrest Holdcroft, H-o-l-d-c-r-o-f-t, NTSB,
15 and I'm just observing.

16 MR. HILL: Donald Hill, H-i-l-l, BLET Safety Task Force.

17 MS. IMPASTATO: Theresa Impastato, I-m-p-a-s-t-a-t-o, Amtrak.

18 MR. STADTLER: And I'm DJ Stadler, S-t-a-d-t-l-e-r, Amtrak's
19 Chief Operations Officer.

20 MR. HIPSKIND: Okay. And, Mr. Stadler, do you mind if we
21 continue on a first name basis?

22 MR. STADTLER: DJ is fine.

23 MR. HIPSKIND: DJ, thank you very much. And, DJ, do you wish
24 to have a representative with you here today?

25 MR. STADTLER: Yes, I do.

1 MR. HIPSKIND: Okay. And, John, will you --

2 MR. BONVENTRE: Yes, my name is John Bonventre, B-o-n-v-e-n-
3 t-r-e, from Landman Corsi Ballaine & Ford, and I'm here on behalf
4 of Mr. Stadtler.

5 MR. HIPSKIND: Thank you, John. And, DJ, do we have your
6 permission to record our discussion, our interview with you today?

7 MR. STADTLER: Yes, sir.

8 MR. HIPSKIND: Thank you very much.

9 INTERVIEW OF J. D. STADTLER

10 BY MR. HIPSKIND:

11 Q. I think the first thing that we'd like to know, DJ, is just
12 kind of give us a Cliff Notes version of your experience, your
13 resume, if you will, and then when you get that completed, the
14 next question I want to ask you is just kind of give us a
15 description of your duties and responsibilities. So the floor is
16 yours.

17 A. Sure. Thank you. I started my career actually in finance.
18 I grew up in finance with the federal government. I worked for
19 the Office of Personnel Management overseeing the budget
20 operations for the Federal Retirement Fund and the Federal Health
21 Benefits Fund. I moved from OPM to the Federal Railroad
22 Administration as a senior budget officer about 9 years into my
23 career. I worked at the Department of Transportation for the next
24 12 years in progressively responsible positions in budget. I
25 spent 2 years in the FAA's Office of Commercial Space

1 Transportation. So it was 2 years at FRA, left to go to
2 Commercial Space Transportation in FAA and did 2 years there, and
3 really there was my first introduction to safety.

4 On the finance side, I was secluded from a lot of the safety
5 work at FRA and a lot of the railroad work, but in Commercial
6 Space Transportation, we were deeply involved in preparing the
7 safety regulations for the satellite launches that were just
8 beginning to take place at that time. Back then, people didn't
9 know what XM Radio was. People didn't know what Direct TV was,
10 and it was a brand new industry. So getting the regulations right
11 the first time was critical and that was what opened my eyes to
12 safety.

13 I was there for about 2 years and then the FRA called back
14 and the budget officer at the FRA was -- had chosen to take
15 another job, and they called me and asked me if I would come back
16 as budget officer, and I was happy to do so and came back to the
17 FRA with a very different view of what the FRA really did.

18 I continued at the FRA for the better of 10 more years and
19 left the FRA for personal reasons as the deputy chief financial
20 officer, overseeing finance, accounting, really all of the
21 financial planning and analysis and also the administrative
22 services, the facilities and that type of management.

23 For family reasons, I left the FRA. After about 8 months,
24 Mr. Boardman who is currently our CEO, and I guess will be for the
25 next 12 hours or so until he retires, called me and said he was

1 coming over to Amtrak as the chief executive officer and he had
2 seen me in finance -- continually asked questions about Amtrak,
3 why do they do things this way, how come they're making those
4 decisions, and he asked me if I wanted to come in a financial
5 capacity to Amtrak to help him answer some of those questions.

6 So I did come to Amtrak as the chief financial officer,
7 served in that role for almost 3 years. Mr. Boardman -- the prior
8 head of operations left, and Mr. Boardman asked me if I would run
9 operations on a temporary basis while they searched for a full-
10 time replacement, and I said that I would. I did that for about 4
11 months, and the decision was made by Mr. Boardman and the board to
12 make me permanent in that position, and I served in that role as
13 the chief operations officer temporarily from December of 2011
14 until now, but it was made permanent in April of 2012.

15 In that role, the role I'm in now, I oversee the business
16 lines which -- the transportation functions, everything that
17 touches the train, the engineers, conductors, the operations of
18 the train. I oversee the engineering function, mechanical
19 function, the rules area, the Office of Safety and the back office
20 operations functions.

21 MR. HIPSKIND: Okay. I have one little housekeeping thing to
22 do. Ryan, are you able to hear everything okay?

23 MR. FRIGO: Yes.

24 MR. HIPSKIND: Okay. Well, let's take a second -- and I was
25 remiss. I did not get you entered on the record. So can you go

1 ahead and state your introduction?

2 MR. FRIGO: Sure. Ryan Frigo, F-r-i-g-o, and I am the
3 Investigator-in-Charge for NTSB on this accident.

4 MR. HIPSKIND: And are you also the Operations Group
5 chairman?

6 MR. FRIGO: I am also the Operations Group chairman, that is
7 correct.

8 MR. HIPSKIND: Well, I'm going to turn the interview over to
9 you, Ryan. So you can have a conversation with DJ. Please
10 proceed.

11 MR. FRIGO: Very good. And you can hear me okay on your end?

12 MR. STADTLER: Yes, sir.

13 MR. HIPSKIND: Yes, we can.

14 MR. FRIGO: Okay. Great.

15 BY MR. FRIGO:

16 Q. DJ, thank you for being there with the group this morning.
17 You know, I apologize for not being there in person. I'm
18 wondering if you could -- in your time at Amtrak, in your varying
19 roles, if you could discuss how safety policy is formulated?

20 A. Sure. We -- when I first got here, we had an Office of
21 Safety that was combined with environment and health, and at that
22 point, safety was not quite as open and collaborative as I think
23 it's evolved to be. During reorganization in 2013, that office
24 was dissolved, and we created a specific office of safety that
25 really owned all of the safety rules and policies here at Amtrak.

1 As far as how the policies are formulated, it -- I think it's
2 very collaborative. It has been my impression, and it's getting
3 more so as time passes, we've made a very concerted effort to
4 partner not only with the folks that run the railroad in the
5 development of safety policies and rules, but also to be
6 collaborative with our labor unions.

7 When I first got here, and I'll speak about it when
8 Mr. Boardman first got here, we were really in a time of labor
9 unrest. We had gone 8 years without labor agreements and no pay
10 raises, no agreements. We went to a PEB, a President's Emergency
11 Board, right before Mr. Boardman got here, and they put an
12 agreement in place that was retroactive over that time. But as we
13 walked in, those agreements had almost instantly expired and we
14 were in a place where we needed to form new agreements and form
15 them quickly.

16 My personal opinion, and it's just my personal opinion, was
17 that there was a lot of -- there was a lack of trust between labor
18 and management, and there was a great time of dissention, and
19 Mr. Boardman and I talked about it, and it was actually Mr.
20 Boardman, Charlie Woodcock, who is our head of labor relations,
21 and myself, that said what we need to do is we need to put new
22 contracts in place that are fair, that are transparent, that will
23 then kind of mend the gap between labor and management.

24 Historically, and I know I'm getting away from safety, but
25 historically the method of negotiation here, the way I understand

1 it, was management would come out and say, we'll offer 5 straight
2 years of 1/10 of 1 percent and labor would come back and say,
3 well, we want 5 years at 10 percent, and it would be a fight to
4 get towards the middle. And Mr. Boardman and I decided that's not
5 the way to do it, let's put something out there that the people
6 accept. And over the course of that first 18 months, the unions
7 did accept those agreements and quite a few of them were quite
8 pleased with our openness. We got 85 percent of the folks under
9 contract. The last union had to go to mediation.

10 But, it really set the tone for a partnership with -- between
11 management and labor that I think has really taken root and helped
12 us to jointly develop safety rules and policies.

13 So I would say if you ask me now how it's done, it's much
14 more collaborative and done in partnership than perhaps it was 8
15 years ago. With that being said, it still has room for growth.

16 Q. Am I supposed to -- should I understand it as a committee
17 process? Is there an executive level committee that you might
18 chair that would create these policies or how can I better
19 understand that?

20 A. We have an Executive Safety Council that meets every month,
21 and it's chaired by our chief safety officer, and it's -- I attend
22 it every month as do all of my direct reports that deal directly
23 with railroad operations as well as senior leaders from other
24 areas, labor relations, most of the other major departments. At
25 that meeting we not only develop policy or talk about policies,

1 entertain changes to policy, but we go over the safety metrics and
2 we really drive the safety mission throughout the company.

3 There is not labor represented at that group, but we do have
4 quarterly general chairman meetings where we go over any safety
5 changes or any pertinent issues with all of the general chairmen.

6 Q. Okay. I know you mentioned that the chief safety officer
7 chaired that executive level meeting. Is there any involvement
8 from the CEO in that meeting?

9 A. The CEO has attended that meeting on occasion, but it is not
10 a regular occurrence. It may have only been once or twice. That
11 being said, on a regular basis, the CEO is briefed on safety
12 issues and at every board meeting we brief the board and the CEO
13 on safety metrics, safety activities and any significant changes
14 in safety policy, and that's 10 times a year.

15 Q. So the board meeting is, and please correct me if I'm wrong,
16 the board meeting is the main forum where the CEO would receive
17 safety data, essentially gaining the ongoing picture of the health
18 of the safety of the organization?

19 A. I don't know that that -- well, so -- no, that's not the only
20 place that the CEO gets safety exposure. I meet on a regular
21 basis with the CEO, either weekly or every other week, at which
22 point safety conversations take place. Additionally, any time
23 there is a true policy change with regard to safety, that
24 obviously is discussed with and approved by him. I mean, all of
25 those -- all the safety policies are at the CEO level and approved

1 by the CEO.

2 Q. Okay. How do you feel about the safety program plan that
3 Amtrak currently has?

4 A. I think that the safety program plan that we have continues
5 to evolve. I think we've made great strides in making sure that
6 the ownership of safety is not in the Office of Safety but indeed
7 in the daily lives of all 20,000 employees. One of the things
8 we're trying to stress very clearly to everybody is that we are
9 all responsible for our own safety and the safety of our brothers
10 and sisters, and I feel like the message that -- that that message
11 that we're trying to put down has been effectively sent. We
12 continue to work on it because safety is something that we can
13 always improve, but I do feel that the message has been clearly
14 sent throughout the organization.

15 Q. Do you have a way to know that for sure, that everyone from
16 your level to the ground level has received that message?

17 A. Well, there are a couple of different ways. We have metrics
18 that we look at. We have participation rate in our Safe-2-Safer
19 program that we track. We have a number of observations that we
20 do within Safe-2-Safer, but more importantly, it's important to me
21 to personally get out and talk to folks, whether it's work gangs
22 or crews on the train or folks downstairs, to just talk about
23 what's working well with safety and what's not working well with
24 safety, and anecdotally through those conversations, I can really
25 get a sense for how well our safety message is going. If you look

1 at the indicators, the FRA reportable injuries and some of the
2 other metrics, our results are headed in the right direction,
3 which I think is a positive statement.

4 I also, based on conversations with the general chairman, I
5 mean, we have worked hard to make sure that safety is the first
6 thing in everybody's mind and I feel like we've been successful in
7 that, again, more so every day.

8 Q. And I just want to talk more about the System Safety Program
9 Plan, and you just mentioned Safe-2-Safer, and I'm just wondering
10 if you could tell me more about some of the other programs that,
11 you know, you review on, whether it's that daily basis or weekly
12 basis, where you're reviewing outcomes from safety programs that
13 are specifically in that System Safety Program Plan.

14 A. Okay. Sure. So we every day go over the injuries from the
15 day before. Every day we go over any rule violations from the day
16 before. And specific to the rule violation, when there's a rule
17 violation, I get the report of what happened and why and the
18 action plan for what we're doing to mitigate those risks. We
19 have a safety dashboard that is reviewed on -- by me on a monthly
20 basis to look at the different safety metrics, that I think we've
21 already discussed.

22 As far as the overarching system safety plan, there are
23 different parts of that. I mean Safe-2-Safer -- just stepping
24 back, Safe-2-Safer was started about 5 or 6 years ago, and it was
25 meant to drive behavior-based safety. It was meant to encourage

1 folks to watch what their peers are doing and to advise them when
2 they are -- were doing tasks perhaps not in the safest of ways or
3 putting themselves at risk, and it was truly a peer-to-peer
4 program. It was designed to be non-threatening and confidential
5 and a way to have our employees help each other become more safe.
6 I think that, in my opinion, that became a program on its own, and
7 it was separate from our overall safety program.

8 So over the last year or so, we've been trying to bring that
9 back together and -- folks saw safety as one responsibility and
10 Safe-2-Safer was another responsibility and we're bringing that
11 together to be one overall behavior-based safety program, and
12 that's really been a mission over the last year or so.

13 So the Safe-2-Safer stats are stats that I review and that we
14 review as a team. We also look, as I said earlier, at the rule
15 violations, how we're taking steps to reduce those unsafe
16 activities.

17 Q. Okay. Thank you. And I know my colleague, Dr. Beaton, will
18 probably have some questions about the behavior-based safety
19 initiative that you just mentioned.

20 You know, when we talk about the safety program and when we
21 talk about policy and, you know, the policies are promulgated
22 through programs and the programs are delivered in the field, and
23 it sounds to me like that you measure the health based on what
24 you're hearing, whether it's daily injury statistics or rule
25 violations or unusual occurrence reports. How do you -- how can I

1 better understand how you ensure that that risk is being mitigated
2 that gets identified?

3 A. I think that's based on the individual risk. We have in the
4 past done location-by-location studies where we'll look at a
5 specific -- well, we'll look at all the major locations, and look
6 at the causation behind -- or the highest level of occurrence for
7 injuries there, and then we'll, through that process, drive down
8 in that location on, you know, pinch points or eyes on path or
9 whatever the highest level injury rate is there, and work at the
10 crew level to educate on what those safety risks are.

11 That's done across the system, and we have the groups, the
12 core groups that manage that process come back and report to the
13 safety council on the progress in each of those areas. That's a
14 recurring thing, at every month at the safety council meeting, we
15 have a different core group report back to us on a regular
16 cadence. I'm not sure that answered your question.

17 Q. Well, I'm just trying to understand more how you -- you know,
18 you put a lot of effort into what was said, designing the
19 policies, designing the programs. How do you measure their
20 effectiveness? How do you know that they're working?

21 A. Well, at the end of the day, it's the injuries and the
22 accidents and rule violations that tell us whether we are being
23 successful in driving safety improvement or not.

24 Q. Okay. You know, when I -- I think I have to ask, you know,
25 there's 89 being the most recent, but, you know, 188 and, you

1 know, an employee fatality at Claremont. Those are just three
2 events that the NTSB has investigated. You know, just while we're
3 on this topic of assurance, I mean, what has Amtrak learned from
4 those events?

5 A. Well, I think each of those events was different, and I think
6 we learned from each of those, based on the cause of the events,
7 things that we need to do better as a company. But even more
8 importantly, we learn from the events that don't turn out to be
9 major. I mean, every day we go over what has happened on the
10 railroad and look for opportunities to improve.

11 We can talk about each of those events and what the causes
12 were and what we've done to mitigate those risks, but really it's
13 an overarching culture of identifying safety risks and mitigating
14 them at my level and down. The biggest message that I send to my
15 folks is that safety just can't be around the Executive Safety
16 Council table. It can't be me and the general managers. It's got
17 to be the road foremen. It's got to be the crews themselves.
18 It's got to be people up and down the railroad that every minute
19 of every day are keeping track of working safely.

20 I mean, we all have been in this industry long enough to know
21 that you only need a minute of distraction, not even a minute of
22 distraction, to have potentially catastrophic results, and
23 minimizing that distraction and minimizing those unsafe activities
24 are really our goals every day.

25 MR. FRIGO: DJ, thank you. I'm going to pass it on. I don't

1 have any further questions at this time. Thank you.

2 MR. HIPSKIND: All right. And because you're on the
3 conference call here, Ryan, if you're not hearing some of this
4 additional conversation, I want you to shout out and let us know,
5 okay?

6 MR. FRIGO: Will do.

7 MR. HIPSKIND: All right. One more housekeeping piece for
8 the transcriptionist. We've had one additional party join us. So
9 Mr. Bates, will you please put yourself on the record?

10 MR. BATES: My name is William Bates. I'm with the SMART
11 Transportation Division, Co-Director of the National
12 Transportation Safety Team.

13 MR. HIPSKIND: And will you spell your last name for the
14 transcriptionist please?

15 MR. BATES: B-a-t-e-s.

16 MR. HIPSKIND: All right. Let me pass the discussion over to
17 Mr. Fran Walker for FRA, please.

18 BY MR. WALKER:

19 Q. One question. The Safe-2-Safer program, is that a program
20 that I guess the safety department recommended for approval and
21 the CEO approves it or is it -- explain how that was implemented?
22 Whose decision was involved in making that decision?

23 A. Sure. That was brought on by the CEO. When the CEO first
24 got here, back in 2009, there were concerns about the safety
25 culture and some of the safety activities. And so he worked with,

1 at that point, his vice president of transportation to bring
2 consultants on board and develop this peer-to-peer safety program.
3 So that was a CEO-driven program brought down to the track level.

4 Q. And another question: Did all the unions sort of agree to
5 that or was this sort of just told this is going to be the
6 program?

7 A. It was presented collaboratively. All of the unions did not
8 agree to it. The majority of the unions did and participate in
9 it every day, but all of them have not agreed to it.

10 Q. Can you say what unions weren't in favor of that?

11 A. I can get you the list for the record.

12 Q. Okay. I was just curious.

13 MR. WALKER: I have no other questions.

14 MR. HIPSKIND: Thank you, Fran.

15 Lou.

16 MR. TOMASSONE: Lou Tomassone, FRA. I don't have any
17 questions.

18 MR. HIPSKIND: All right. Willie, you just put yourself on
19 the record, and it's your turn.

20 MR. BATES: I have no questions at this time. Thank you.

21 MR. HIPSKIND: Okay. Don.

22 BY MR. HILL:

23 Q. Good morning, DJ. I just have one question. Could you
24 describe your relationship or management's relationship with the
25 unions, the various unions?

1 A. Sure. That's a difficult question to answer because the
2 relationship with each of the unions is very different, and the
3 relationship with the chairman and the local chairman is very
4 different. I, personally, talking about my relationship
5 personally, so personally I've worked very hard to have the labor
6 folks feel comfortable coming to me with safety risks.

7 I learned this actually in finance, and I carry it out in my
8 role in operations. From a financial point of view, there were
9 people that I grew up with that were always very afraid of the
10 auditors, and they hated the auditors and they said, oh, the
11 auditors are going to come and we don't want that to happen.

12 I have a different approach. My approach is I want the
13 auditors to come in. I want the Inspector General side by side
14 because -- especially at this level, there are going to be
15 problems that I don't know about, and if I don't know about a
16 problem, I can't address it. So, sure, on the finance side, and
17 when you learn about it, you accept the fact that you're not doing
18 things perhaps as well as you need to and you take the steps
19 quickly and smartly to fix those problems.

20 Operationally it's the same issue. If we have a culture
21 where employees or line level managers are covering up safety
22 risks and we don't know about it, they can cover it up 99 times
23 and we'll never know about it, but that 100th time, as I said
24 before, could be catastrophic and that's what we've got to avoid.

25 So I've worked hard to reach out to the labor folks and to

1 the employees as well and say when there's a problem, let's talk
2 about it and come up with a plan to jointly fix it. For the most
3 part, I feel that the labor partners have been collaborative on
4 that and have worked with me, but there's still room for growth in
5 a couple of those relationships in particular.

6 Q. Well, I'm sure you weren't at any of the previous --
7 obviously you weren't at any of the previous sessions or
8 interviews that we had. Part of the reason why I ask that
9 question was based upon some statements made by some of the other
10 unions, I believe the BMW in particular, seemed to stress that
11 they have a strained relationship with the -- with Amtrak's, I
12 believe, the front-line management, managers. Could you expound
13 on that?

14 A. Sure. So in all candor, right after 89 -- I'm sure you all
15 have seen this, -- Jed Dodd and that group wrote a letter to the
16 CEO and eventually to the board chairman saying they had very
17 clear safety concerns and they called for a lot of changes, to
18 include my termination. As soon as that letter came -- I can get
19 you a copy -- but as soon as that letter came, I mean, I reached
20 out to Jed. And Jed and I had spoken on many -- Mr. Dodd -- I
21 apologize -- Mr. Dodd and I had spoken on many occasions and
22 really had, I thought, a very cordial relationship, and that
23 letter seemed to show otherwise.

24 So I personally immediately reached out to them and said
25 let's meet about these concerns because if there are problems,

1 we've got to fix them. It's a pretty consistent attitude in my
2 career. And we met with them within 2 weeks of the accident, and
3 surely within a week of the letter, and we sat down and said let's
4 go over your concerns. And they had a number of very valid
5 concerns that candidly I did not know about or I was unaware were
6 concerns to them. And many, if not most of those concerns, we
7 have addressed. Things like the republishing of the hot spot book
8 and some of the training concerns that they had, that I knew
9 nothing about or that I had not received feedback on, very valid
10 issues that we have since taken steps to fix.

11 Jed and I talk on a regular basis -- Mr. Dodd and I talk on a
12 regular basis. We are trying hard to strengthen that
13 relationship. He has agreed with me that in order for us to
14 become more safe, we need to work together and he and I both
15 agree. It's a relationship that we're continuing to try to grow.

16 Q. Okay. Thank you. That's all I have.

17 A. Sure.

18 MR. HIPSKIND: Thanks, Don.

19 Theresa?

20 MS. IMPASTATO: No questions at this time.

21 MR. HIPSKIND: Dr. Beaton, next to you.

22 BY DR. BEATON:

23 Q. Good morning, DJ, and please, my name is Bob. We're on a
24 first name basis, so -- and I do appreciate your taking the time
25 out of your busy schedule. Just so that I can manage my own

1 expectations, you've had a chance to become familiar with the
2 events that happened in Chester, Pennsylvania, and that's why
3 we're here.

4 A. Very much so, yes, sir.

5 Q. Okay.

6 A. I was actually there.

7 Q. Okay. You were there --

8 A. Yes.

9 Q. -- on scene?

10 A. I received the call Sunday morning getting ready for church
11 and I left within 20 minutes after that and headed right to the
12 scene. I was at the scene all day.

13 Q. Okay. Very good. Very good. And I assume that you've had a
14 chance to at least get a briefing on the interviews that we've
15 conducted so far?

16 A. That is not the case.

17 Q. Oh, okay. You are aware that we've talked to a variety of
18 not only Amtrak employees, but union representatives?

19 A. I'm aware that the interviews are taking place, yes.

20 Q. Okay.

21 A. As far as the content of those interviews, I don't have any
22 knowledge, very limited knowledge.

23 Q. Most of my, most of my interest and -- well, again, I'm only
24 asking. I just want to make sure that we get dialed in quickly
25 here. I'm interested in a topic that you raised and that's the

1 safety culture at Amtrak. So I'd kind of like to ask you a couple
2 questions and I'll follow up with some of the things that Ryan
3 asked and suggested that I would follow up on.

4 But I'm really interested in hearing your answers from the
5 perspective of Amtrak's assessment or awareness of the events that
6 happened in Chester. Okay. So I'm not asking real global, you
7 know, companywide, systemwide questions. In general, I want to
8 keep them framed to the events of Chester. So I'm glad to hear
9 that you're familiar with it, and I've tried to ask those
10 questions in the past of other interviewees.

11 So when we talk about Chester, can you give me just kind of a
12 perspective on Amtrak's assessment of the events that lead to the
13 accident at Chester?

14 A. Sure. There was miscommunication. There was poor
15 communication, and there was a very clear decision to not put the
16 redundant safety measures in place that would have prevented the
17 accident.

18 Q. Okay. From your position as chief operations officer, what
19 could have been done by Amtrak along the lines of communications
20 that failed at Chester or the decision making to not put in a
21 redundant fail-safe system? What could have been done? Can you
22 comment on that?

23 A. Sure. Obviously if shunts had been in place, it would have
24 prevented the accident. There was -- and this is something I know
25 you don't want to go globally, but globally, one of the things

1 we've worked hard to do is to encourage all employees that there
2 is a good-faith challenge in place, that no matter who you are in
3 this company, if you see something that is not safe, you
4 absolutely have the right to stop work and say, I'm in an unsafe
5 environment, let's talk about why it's unsafe. Had any of those
6 employees taken the opportunity to say, hey, we don't have shunts
7 in place here, we should stop, the accident would have been
8 prevented.

9 Q. Okay.

10 A. Perhaps what Amtrak could have done from an Amtrak management
11 point of view, had we further stressed the importance of seeing
12 something and say something, maybe someone would have felt more
13 comfortable doing so. I have not personally interviewed any of
14 the employees there so I don't know why any of them -- if any of
15 them saw that there were no shunts in place or if any of them
16 considered challenging it and didn't. I don't have that
17 knowledge. But that sure is something that in my opinion should
18 have been done.

19 Q. Amtrak has done its own investigation of the Chester
20 accident?

21 A. Yes.

22 Q. And you've not seen those results?

23 A. I have seen the results, but I have not personally spoken
24 to --

25 Q. Okay.

1 A. -- the employees.

2 Q. And I assume that Amtrak is -- you and your colleagues with
3 the safety office have discussed the Chester accident?

4 A. We have, and we've taken numerous steps since then and have
5 steps in place to mitigate some of the risks there.

6 Q. Can you describe some of those steps that you've taken?

7 A. Certainly. For example, we've changed the training. One of
8 the things that Mr. Dodd brought up was some of the challenges in
9 RWP training that we had as a company, perhaps taking the focus
10 away from RWP and put a lot more into that training than folks
11 needed. And so we've changed that training. We've put a plan in
12 place that, starting October 1st, that training will be in
13 operations and not part of human capital.

14 Some of the other feedback I got from Mr. Dodd was that when
15 the people that attend the training have feedback on the training,
16 that feedback was not considered and we were not modifying the
17 training based on the feedback from the attendees, and we're
18 changing that as well.

19 From a pure technical point of view, we have begun the
20 process of putting a system in place that is similar to one that
21 is used at a couple of railroads where when you request foul time,
22 you are given an electronic code and you will only have that foul
23 time released when you give that code back to the dispatcher, and
24 prevent miscommunications.

25 We're going to put shunts in place, new shunting that has LED

1 lighting, so when they are in place, the LED lights clearly show
2 that they are being used and being used properly. So employees
3 can look and say, yes, I'm safe.

4 But a number of things. I mean, I can get you the full list.

5 Q. I'd like to request that if you could.

6 A. Sure.

7 Q. It would be very, very helpful. Just a -- let me dig in just
8 a little layer on the training you've updated. What exactly was
9 updated? Was it training on how to use shunting or training on
10 how to communicate better?

11 A. There was a wide range of things in the training that we
12 looked at. The shunting comment was one that there seemed to be
13 some confusion. So we've made that more clear specifically in the
14 training. I don't know of any specific communication changes that
15 were made in the training.

16 Q. Do you think that other training programs may need to be
17 reviewed and revised similar to the Chester -- the training that
18 you modified because of the Chester accident?

19 A. Yes and, in fact, we're in the process of doing that.

20 Q. Okay.

21 A. One of the things as we move the training over to operations
22 is to take a look at every single curriculum and ensure that they
23 are providing what we intend the training to provide. Under 243,
24 C.F.R. 243, we're putting an entire plan in place to outline what
25 employees need what training, how often they need it and then

1 ensuring that we have checks and balances in place that say I'm a
2 track person and as a track person, I need this training and this
3 training every 2 years, every 3 years, every 6 months, whatever
4 the case turns out to be, and put a system in place that actually
5 makes sure that people that need the training get the training
6 they need when they need it.

7 Q. I had the opportunity to talk to your director for training
8 and development, and is that the office that's going to do the
9 assessment of the -- all the training curriculum?

10 A. No, we're moving, as I said earlier, training into
11 operations. We have one person that's going to oversee all of the
12 technical training, which would be engineering, mechanical and
13 safety, and that person will be responsible for working with the
14 instructional designers, making sure that the curriculum delivers
15 what it's supposed to deliver, and also working with our human
16 capital folks to ensure the validity of the training.

17 So people can sit in a room and attend a training class but
18 if they're on their on their iPhones or if they're not paying
19 attention or if they don't comprehend what's given to them, the
20 training is ineffective. So we're working to improve -- to put a
21 process in place that does validate the training that says, yes,
22 DJ attended the training and he actually learned what he's
23 supposed to do. You take the written driver's test and that's
24 great, but if you can't get behind the wheel and actually drive
25 safely, you don't get a license.

1 Q. You're putting in a system of assurances that the training
2 was not only delivered but understood and integrated into
3 somebody's thought process?

4 A. That's correct. The other thing that we're doing, and I'm
5 answering a question that you didn't ask, refresher training.
6 There have been cases where folks have been trained and then they
7 go out and work for a long period of time and we don't necessarily
8 retrain them, and my personal opinion is that if you do something
9 frequently and you do it well, sometimes you get lax and perhaps
10 more comfortable, and this isn't an industry where you get
11 comfortable.

12 So we're instilling refresher training that makes sure that,
13 hey, this is what you need to know. We're also putting in a
14 compliance plan, not as much for the training, but a compliance
15 group that goes out and spot checks gangs and says, hi, let's just
16 make sure that you've got shunts in place, let's make sure you did
17 a proper safety briefing, let's make sure you've got the watchmen
18 in place where they're supposed to be. That's not something we've
19 had in the past and we think that that will be another step to
20 make sure folks are paying attention to their own safety.

21 Q. Okay. As you revise your training programs and improve them,
22 to what extent is your safety office going to be involved in that
23 review and revision and maybe even delivery?

24 A. They own the process.

25 Q. They own it.

1 A. They will be delivering some of the training. The
2 engineering experts and the mechanical expert will be delivering
3 their specific training but the entire program is owned by the
4 chief safety officer.

5 Q. Okay. Thank you. Thank you. You talked about shunting or
6 lack of shunting is one of the things you took away from Chester
7 and you mentioned some poor communications. Could you be more
8 specific of, you know, from your investigation, understanding of
9 the events of Chester, where were the communication problems?

10 A. The foremen on-site, the foreman leaving and the foreman
11 coming on, as they released the foul and requested the foul, that
12 obviously was not done well.

13 Q. Okay. There were other people involved in this accident.
14 You had flagmen. You had a job supervisor, laborers, all of whom
15 were working through the foreman or under the tutelage of the
16 foreman, but we also had a dispatcher that was involved. So
17 there's several groups of people. Were there communication
18 failures elsewhere other than the foreman?

19 A. Any one of those people that you mentioned could have seen
20 something and said, wait, this doesn't make any sense --

21 Q. Okay.

22 A. -- and stopped work and prevented this, yes.

23 Q. Okay. I'm glad that Amtrak has identified that. Are there
24 any actions, not disciplinary actions, but safety interventions or
25 improvements that are directed to the -- towards these other

1 groups of people? I know you mentioned the training which I kind
2 of heard is related to how to use supplemental shunting devices,
3 but what about some of these other people who may not directly use
4 or place the shunts in place but had some, perhaps, communication
5 failures?

6 A. So we continue to stress the good-faith challenge --

7 Q. Okay.

8 A. -- and continue to stress the importance of being able to
9 stop work at any time when you see something unsafe. We also have
10 been very clear with the employees that they're responsible for
11 the safety of each other, that even if it's not their job to put
12 the shunts on, they need to be able to say, hey, we need shunts.

13 Q. You and I are both well aware of the long history that labor
14 and management has had in railroad industry. Do you think it's
15 sufficient to tell labor that they have a right to refuse without
16 repercussion or is there more that's required to actually instill
17 and enable people to make that decision, take that action?

18 A. I think it's a message that we need to continue to repeat and
19 I also think it's a message that when someone steps up and
20 actually does it, we need to make it very public that they did it
21 and that we're thankful for it.

22 Part of I think what changes the culture that we have is we
23 need to be as strong with the carrot as we are with the stick and
24 to really do a better job of telling good news safety stories and
25 saying, hey, congratulations, this person did what they were

1 supposed to do and we're thankful for that.

2 Q. And my colleagues in behavioral science is talking a lot
3 about incentives and rewards for positive behavior as being more
4 effective than punishments for negative behaviors.

5 A. Yeah.

6 Q. It sounds like you're aware of those principles.

7 A. Absolutely. Because we don't want to be in a place where
8 someone thinks if they are going to report a problem, they're
9 going to get in trouble, because that doesn't encourage folks to
10 report problems and, as I said earlier, and it's a constant theme
11 again in my career, if we don't know about problems, we can't
12 address them.

13 Q. I very much appreciated your narrative on your background,
14 and you spent time with OPM and FRA and FAA and respect your
15 exposure to safety in the Commercial Space Transportation. As
16 part of that exposure to safety, you mentioned behavior-based
17 safety. Can you explain what you mean by that?

18 A. Sure. The behavior-based safety in my opinion, and this may
19 not be the textbook example for description of behavior-based
20 safety, is that the ability to be open and upfront and honest
21 about safety is the way we're going to change safety performance.
22 And the human beings on the railroad are responsible for changing
23 behavior of safety, and it's not just, hey, you're not wearing the
24 right PPE, although that's a big part of it, but as I talked about
25 earlier, we get in a situation where we're very comfortable and we

1 may take shortcuts. Shortcuts is not the best word for it, but
2 we've got to be able watch each other's back and say, hey, that's
3 not a shortcut you can take, you shouldn't take that shortcut.

4 Q. I know that the railroad industry and various factions of it
5 are fond of the phrase "follow the rules." With your perspective
6 and description of behavior-based safety, does just "follow the
7 rules" make sense?

8 A. I think -- and this is something that I preach as well. This
9 may not answer your question. But we have a lot of rules in the
10 railroad and there are a lot of people I talk to that say this
11 rule's silly, this rule doesn't make any sense. And my response
12 to that is, you know, you're probably right but don't break the
13 rule. Let's work together and change the rule to make it make
14 sense, because the rules are there for a reason and if times have
15 changed, and times have changed and technology has changed, we
16 need to modify the rules to reflect the workforce and the work
17 that's being done today.

18 Q. In many tasks on the railroad the rules dictate how the job
19 is done, and you talked about in Chester, they could have
20 potentially used some supplemental shunting devices which would
21 have been a fail-safe or a safeguard against some rule-following
22 failure, if you will.

23 A. Absolutely. That is truly the second level of protection.

24 Q. Okay.

25 A. The first level of protection failed.

1 Q. If you had an opportunity to review all your operations and
2 you found some tasks that were only safeguarded by rule
3 compliance, would that raise a flag for you?

4 A. Absolutely. If we find a place where we only have one level
5 of protection and that level's the rule, that's not good enough.

6 Q. In the Chester accident, the clearing of foul times and
7 request for foul times, what's the fail-safe in that task for
8 those foremen?

9 A. Well, what should have happened, the way it's designed, they
10 should be standing right next to each other and each one should
11 know what the other one is saying. The fact that they requested
12 it on cell phone as opposed to radio that everybody could hear,
13 that was a huge problem that we've since worked to address. The
14 open communication is critical, especially in requesting and
15 removing foul time to make sure that we don't have gaps. And the
16 dispatcher -- there are many people that have roles in making sure
17 that requests are made appropriately.

18 Q. Yeah, and I'm glad you brought up the dispatcher, because the
19 dispatcher had a part of this process that unfolded that day. Was
20 there anything that you -- from Amtrak's investigation that
21 identified or took away from the Amtrak -- or, excuse me, the
22 dispatcher's decision and communication processes?

23 A. The fact that the requests were made by cell phone was an
24 issue, and the communication was -- there was clearly
25 communication breakdown with the dispatcher and the two foremen.

1 The dispatcher could have made different decisions, no doubt
2 should have made different decisions.

3 Q. You have an incoming CEO from Norfolk Southern, that I'm fond
4 of as a rail company and understand a little bit of their
5 business, but coming over to Amtrak, are there risks between
6 hauling unit trains of coal versus trains of carloads of people?

7 A. They are very different businesses and I think there are very
8 different things that need to be focused on from a safety point of
9 view, but from the CEO level, I don't think that -- I think we
10 have to be mindful of differences but I'm actually excited about
11 him coming on because looking at what he did for Norfolk Southern
12 to change the safety culture there and talking to people, I have
13 -- I think that will be a good thing for us.

14 Q. Yeah, and I'm excited and happy for you as well. I don't
15 want to be misunderstood here.

16 A. But it is a different business. He and I have spoken about
17 that. There are different things to watch out for. They don't
18 get many injuries from dumping toilets at Norfolk Southern, you
19 know.

20 Q. When the dispatcher has to move a train, a passenger train,
21 through a construction zone, are there any unique risks that a
22 dispatcher of a passenger train should be or could be aware of
23 relative to perhaps the train industry?

24 A. I'm not sure that there are differences there. I think if
25 there are work gangs on tracks, regardless of whether you're

1 moving people or product, I think they're the same risk. I mean,
2 you have to be -- yes, in a passenger situation, you've got
3 passengers you have to be concerned about, but in both situations,
4 you have employees on the train and on the wayside that absolutely
5 need to be protected at all times.

6 Q. Okay. Fair enough. So are you saying that a construction
7 zone presents a challenge to a dispatcher, that is, a dispatcher
8 would need to at least be aware of where the construction zones
9 are and take -- and use some precautions?

10 A. Absolutely. If there are people on the track, the dispatcher
11 should know and should be aware of it.

12 Q. And I think, I think we kind of came to an understanding
13 earlier that people do make mistakes, right? They're not error-
14 free robots. Is that correct?

15 A. We can agree on that, yes.

16 Q. Okay. So when a dispatcher understands that they need to
17 move a train through a construction zone, are there Amtrak rules
18 or any programs that enlighten a dispatcher to the risks that may
19 be involved for movements through construction zones?

20 A. There are. I'm not sure that I can speak specifically to
21 them. I know as part of the dispatcher training there are
22 different rules for slow orders, for all of the different
23 complexities that come into moving trains.

24 Q. Okay.

25 A. But I personally can't speak in detail to those.

1 Q. If a dispatcher only had verbal or knowledge through a
2 conversation that fouls were cleared in a construction zone, what
3 is their fail-safe that's provided to them?

4 A. Ask the question again. I'm sorry.

5 Q. If a dispatcher is advised that the fouls are cleared up
6 through a construction zone, what sort of fail-safes other than
7 the verbal conversation is a dispatcher provided?

8 A. Well, as we talked about earlier, I think the supplemental
9 shunting. I mean, the whole process of putting the shunts in
10 place and the communication with the dispatcher, the handing off
11 of the foul time from the first foreman to the second foreman, the
12 dispatcher has to be involved in and aware of.

13 Q. If a dispatcher didn't have the shunting device, didn't have
14 a fail-safe and chose to operate through a construction zone at
15 track speed, would that be considered a good decision or
16 acceptable decision or would it be perhaps a less than cautious
17 decision?

18 A. I would think it depends on the circumstances involved in the
19 particular construction zone and the particular foul time request.

20 Q. What about in the circumstances of Chester?

21 A. I would have -- in the situation in Chester, perhaps a more
22 -- well, a more cautious decision should have been made. There
23 was enough lack of clarity there where a dispatcher should have
24 said, wait a second, something doesn't make sense here.

25 Q. Was there anything preventing the dispatcher from running at

1 restricted speed or reduced or a slow order?

2 A. I don't recall. I'd have to check. I want to make sure of
3 that.

4 Q. Could you check and provide me an answer to that question?
5 I'm curious if the dispatcher was constrained in any way.

6 A. Certainly we can provide that.

7 Q. Thank you. I do have just a few more questions.

8 A. Okay.

9 Q. I enjoy talking with you. I hope you're as comfortable. As
10 Dick told you, you're in charge; this is your interview. I'll
11 just remind you of that right. So if you need to take a break,
12 you -- it's available to you.

13 Safe-2-Safer, is that a behavior-based safety program?

14 A. It is.

15 Q. And what makes it a behavior-based safety program?

16 A. It's the reliance on peers to provide feedback to other peers
17 to change behavior.

18 Q. And you said that that's still active today?

19 A. That is still active today, yes.

20 Q. Is that your main -- your safety program for roadway workers?

21 A. No, that is not our main safety program for roadway workers.
22 We have -- the safety training is in place and the safety rules
23 obviously are in place. Safe-2-Safer is just one part of our
24 overall safety program.

25 Q. Okay. Was -- has Safe-2-Safer ever been cancelled or written

1 out for contractual reasons or other reasons?

2 A. There are labor organizations that have decided to be part of
3 Safe-2-Safer and then step back from Safe-2-Safer.

4 Q. Okay. So they have through your contracted arrangements,
5 they have an option to either comply with Safe-2-Safer or not?

6 A. To be part of the program, yes, and to take part in the
7 observation process.

8 Q. Okay.

9 A. They have in many cases decided to be part of it and then in
10 a couple of places stepped back and said no.

11 Q. It's my understanding, and please correct me if I have this
12 wrong, but roadway workers work in teams. So there's usually more
13 than one individual on a job. I know there are some single worker
14 events, but by and large, when we talk about work crews, we're
15 talking about a team environment.

16 It's my understanding that Safe-2-Safer, while it's a peer-
17 to-peer process, would be in some sense kind of a buddy system, a
18 team play environment where I'm watching your back, you're
19 watching my back and we're getting the job done. Why would a
20 union not -- or why would anybody not want to participate in that
21 sort of structured, formal approach to teamsmanship?

22 A. That's an excellent question. I would think that anything
23 that we in partnership would do to improve safety and improve open
24 communication about safety, I don't know why people wouldn't want
25 to be part of that.

1 Q. Well, let me ask -- turn that question around. Why can't
2 Amtrak mandate that team play?

3 A. Well, we do mandate it, not necessarily through Safe-2-Safer
4 but again through the good-faith challenge. We make it very clear
5 that if you see something unsafe, you need to say, hey, there's
6 something unsafe and that's -- I think you said it very well, the
7 whole team is together and if we're working safely and if we're
8 improving safety, that team needs to work together to identify
9 safety risks.

10 Q. In those contractual, and I don't want to know the details of
11 your contract, that's not my point of asking this, but in
12 discussing Safe-2-Safer with those unions who have pulled out of
13 it, are you aware of any reasons why they would have pulled out of
14 it?

15 A. I think a lot of them are political.

16 Q. Okay.

17 A. That's -- it's -- this is clearly a management-driven
18 program, Safe-2-Safer, even though we've tried very hard to make
19 it laborer owned, because we try to avoid that this is management
20 making you do something. It should be more of a this is labor
21 helping labor and workers helping each other. That being said,
22 this has been seen throughout Mr. Boardman's tenure as a
23 Mr. Boardman initiative and I think some folks may use it for
24 leverage.

25 Q. Okay.

1 A. I'm speculating and I shouldn't speculate.

2 Q. Yeah, it's curious to me that labor would not want to
3 participate in this unless they had some alternative or better
4 idea or unless they felt some burden because of the process.

5 In the events of Chester, Safe-2-Safer was in effect at the
6 time of the accident.

7 A. Safe-2-Safer -- the Safe-2-Safer program was in effect --

8 Q. In effect.

9 A. -- on Chester, yes.

10 Q. And the workers who were involved in that accident, did they
11 belong to unions that had agreed to participate in Safe-2-Safer or
12 were there people who belonged to unions that decided not to
13 participate?

14 A. No, they did not belong to Safe-2-Safer.

15 Q. They did not. Okay. And when we say they, was that
16 everybody there or was it a select group?

17 A. The BMW and ARSA are not part of Safe-2-Safer.

18 Q. They're not part of Safe-2-Safer.

19 A. They have a separate agreement that was agreed to in the fall
20 of the previous year that has safety liaisons in place that set a
21 different cadence on having liaisons that are labor members out
22 reviewing safety, looking for safety risks, and reporting back on
23 a monthly basis through the engineering department on safety
24 activities, things that are working well, things that need
25 improvement, et cetera.

1 Q. So the crews in place in Chester were under the safety
2 liaison program. And can you describe that program for me?

3 A. Sure. There are 25 safety liaisons that are labor employees
4 that work out in the field to identify safety risks and to drive
5 safety performance. They have a monthly meeting at the -- in the
6 engineering department at the deputy chief engineer level where
7 they bring safety concerns to the table and work together
8 collaboratively to mitigate the safety risks that they see.

9 Q. Does Amtrak have reason to believe that there's data
10 efficiency testing on the equivalency of the Safe-2-Safer versus
11 the safety liaison program --

12 A. I don't know --

13 Q. -- in terms of safety outcomes for the workers?

14 A. To my knowledge, we don't have hard data that says one's
15 better than the other. I actually personally think that they can
16 work together in concert to be very effective.

17 Q. Yeah, they don't need to be exclusive, do they?

18 A. They do not. And that's one of the challenges I said earlier
19 with Safe-2-Safer, that so many people were looking at Safe-2-
20 Safer as something different than overall safety and it's not.
21 It's all about safety and everything works together.

22 Q. Is there anything that is exclusive about the safety liaisons
23 that these two unions subscribe to that program? Do they get any
24 benefit or lose any benefit by working with that program as
25 opposed to Safe-2-Safer?

1 A. I would have to speculate as to why they choose that.

2 Q. Okay. Is it your sense as chief operations officer that both
3 Safe-2-Safer and safety liaison programs are effective safety
4 programs? Do you have the same expectations for safety outcomes
5 with both?

6 A. Yes.

7 Q. So the safety liaison program which covered the workers at
8 Chester on the morning of the accident, was the safety liaison
9 doing his or her job that morning?

10 A. I don't believe there was a safety liaison on-site.

11 Q. So are you telling me that that program was effectively
12 inoperable for those workers that morning?

13 A. What I'm saying is that obviously the situations at Chester
14 identified levels of protection that were not being used
15 efficiently, that had not been identified by the safety liaisons
16 or the ARSA supervision or the Amtrak management.

17 Q. I need to ask this question and please don't take it the
18 wrong way, but as chief operations officer, in theory, and I
19 realize it may not be you in person, knew that this work was going
20 on, knew which crews, which unions were in place at Chester that
21 morning, and presumably -- did you know that there were going to
22 be no safety liaisons at that site, that is, these workers would
23 effectively not be covered by their safety program?

24 A. So maybe I've not explained it correctly.

25 Q. Okay.

1 A. We only have 25 safety liaisons and at any given time, we may
2 have 100 work gangs out there. So there's not a safety liaison at
3 every gang. The safety liaisons work with all of the different
4 gangs and all of the different ARSA supervisors which are on-site
5 and should be on-site for every gang, all of the different foremen
6 who are on-site and who are overseeing the work, to identify
7 safety risks. So we do not have a safety liaison at every single
8 worksite every time.

9 Q. I'm going to use a term reflecting back to your days at OPM.
10 Manpower. Manpower assessment. In my days at DoD, manpower
11 assessment, if we had a job to do, we first analyzed how many
12 number of heads we needed to cover that work. I mean, it sounds
13 to me like somewhere along the line in the safety liaison process,
14 somebody counted up to 25 and stopped, without really doing the
15 assessment for how many crews need to be covered by these
16 liaisons.

17 A. I will disagree with that only because it's not the safety
18 liaisons' responsibility to ensure the on-site safety of every
19 single work gang every single minute. That is the responsibility
20 of the overall gang, but also of the ARSA supervisor and the
21 foremen that are there. They own that responsibility for their
22 work gang.

23 Q. Okay. I guess I was making -- because you had indicated the
24 two are equivalent in terms of Safe-2-Safer and the safety
25 liaisons, that there was continuous -- from a Safe-2-Safer point

1 of view, there's no restrictions on when I can call somebody out
2 on a good-faith challenge or I can refuse to work. That's
3 continuous. But in the safety liaison program, I have -- I hear
4 what you said, that the local supervisors are -- and foremen are
5 responsible for the job, but coverage by the safety program, that
6 is, safety liaisons is not continuous, it's discrete, that -- it
7 only works when they are present?

8 A. No, I disagree with that.

9 Q. Okay.

10 A. So I think -- so I have to make a couple comments here if I
11 may. The good-faith challenge is not linked to Safe-2-Safer.
12 That's an overall safety rule.

13 Q. Okay. Okay.

14 A. I mean, it's not linked to liaisons. It's not linked to
15 Safe-2-Safer. It's linked to Amtrak safety.

16 Q. Okay.

17 A. So it's not a component of the Safe-2-Safer program.

18 Q. Okay.

19 A. The safety liaison, safety liaisons are intended to get the
20 feedback from the ARSA supervisors and the foremen and also their
21 on-site visits to see where things are working well and where
22 there are gaps that need to be addressed.

23 Q. Okay. Do the safety liaisons interface with other crew
24 members than the on-site foremen?

25 A. They do.

1 Q. So they would in essence, when they're at a site, they would
2 potentially be able to walk up to somebody and say, hey, you're
3 not doing that right, there's an alternative means to do it?

4 A. Yes.

5 Q. In some sense that sounds like a peer-to-peer behavior-based
6 safety program.

7 A. We agree.

8 Q. The unions who rejected Safe-2-Safer, do they have a
9 different view at all of the liaisons?

10 A. I don't believe they do. I think that's pretty consistent
11 with their view of the liaisons.

12 Q. Okay. Thank you for that education. I really appreciate
13 that clarity on that. I do have a couple other questions here.

14 When Mr. Frigo, Ryan, was talking with you about risk
15 assessment and how it was done, and you kind of indicated that it
16 was location specific, that you work with the crews. Was a risk
17 assessment done for the job at Chester on the day of -- or the
18 reason why we're here?

19 A. There was a safety briefing done. I'm not sure that a
20 specific risk assessment was done for that particular job.

21 Q. I've had the opportunity to talk to some of your colleagues
22 who are in charge of large construction projects, and they seem to
23 be particularly enamored with the idea that a risk assessment
24 needs to be done before the job is undertaken. In fact, in a
25 rather impressive fashion, I was given the understanding that it's

1 not just a pro forma risk assessment but it's one that shows the
2 evaluator's passion for understanding the risk at the job. But at
3 Chester, there wasn't that type of risk assessment done.

4 A. To my knowledge, not an in-depth risk assessment. I mean,
5 every gang that goes out understands where they are on the
6 railroad, what activity's going on, on the railroad and what work
7 they are doing. Looking at that, they assess what's going to
8 happen. I don't think that that's a detailed risk assessment
9 though the way you're describing it.

10 Q. Does that say anything -- is that a takeaway for Amtrak? Is
11 there anything that you learned from Chester that might impact
12 future ballast vacuuming jobs by way of risk assessments?

13 A. To the extent that it raised our awareness that there are
14 places where there are clear safety practices that are not being
15 followed, yes, absolutely. Whether it's ballast vacuuming or any
16 other job, we need to ensure that folks are following the safety
17 rules and taking the steps to be safe.

18 Q. There's that phrase again, just follow the rules.

19 A. It seems --

20 Q. I'm sure you've heard it much more than that. And so I guess
21 my point of this line of questioning, is there a threshold for
22 your road jobs, road crew jobs that some can just go ahead and
23 knock them out and others, hey, there's pretty big risks here,
24 we'll do a formal risk assessment? Is that a clear decision point
25 in the work planning process?

1 A. Not that I'm aware of. I'm not -- I can't speak in detail of
2 the process of how that's done. I will say, however, that any
3 time we have work that's being done on the active railroad, it
4 should be taken very seriously and a risk assessment should be
5 done.

6 Q. You answered my next question. If you're going to work on an
7 active railroad where you have to get foul time or take the track
8 out of service, wouldn't every job warrant a risk assessment of
9 some formality?

10 A. I believe so, yes.

11 Q. Okay.

12 A. Any time anyone is need an active railroad, the risk should
13 be assessed. And that's, that's the -- a big source of concern of
14 mine in leadership is that people, and I stated this earlier, do
15 something that they've done a thousand times over the 30 years of
16 their career and say, oh, I've done this; I can do this quickly;
17 it's okay, and we can't let that happen.

18 Q. It's not -- a shortcut may not be the right word for that
19 scenario, but I'd offer up complacency as an alternative.

20 A. That's a much better word, yes.

21 Q. Yeah. Okay. DJ, thank you for your time and openness and
22 focus in your answers. I'm going to collect my thoughts here and
23 I may come back with a few follow-up questions. Thank you.

24 MR. HIPSKIND: DJ, with your permission, I would like to do a
25 short timeout.

1 MR. STADTLER: Okay.

2 MR. HIPSKIND: Are you okay with that?

3 MR. STADTLER: Certainly.

4 (Off the record.)

5 (On the record.)

6 MR. HIPSKIND: Okay. We're back on the record.

7 BY MR. HIPSKIND:

8 Q. I want to just kind of tie up some loose ends in my mind, to
9 help my understanding. When we started our discussion, we were
10 talking -- you characterized about quarterly executive meetings,
11 and are there minutes that are derived from those meetings that
12 you keep and you archive?

13 A. From the quarterly general chairman's meetings? We have
14 monthly executive safety committee meetings.

15 Q. Okay.

16 A. And we have quarterly general chairman's meetings. From both
17 of those, we have clear agendas and discussion topics but I --
18 consistent minutes, I wouldn't commit to. We don't have
19 consistent minutes from either of those.

20 Q. Okay. But agenda are a matter of record?

21 A. Yes.

22 Q. And who develops the agenda? Is that a joint thing or is
23 that something taken on by executive leadership at Amtrak?

24 A. So two different answers.

25 Q. Okay.

1 A. The Executive Safety Council meetings, it is an agenda that
2 is developed by the chief safety officer and his department, but
3 he does go out and solicit topics. For the general chairman's
4 meeting, that's chaired by me, I, working with Charlie Woodcock of
5 labor relations, develop the agenda and it's pretty much a
6 standing agenda. But 2 weeks or so before each meeting, we go out
7 to each of the general chairmen and say, is there anything you'd
8 like to add to the agenda, and those things are added without
9 censorship.

10 Q. Would it be a heavy lift for you to share some of the
11 archived agendas with us and/or minutes, meeting minutes?

12 A. That would not be a heavy lift.

13 Q. Okay. And I just want to -- on the -- at the executive
14 level, the quarterly meetings, what does the landscape in the room
15 look like? How many people are there? How long's the day go and
16 all that kind of stuff?

17 A. At the quarterly general chairman meeting --

18 Q. Let me stop you there. The monthly executive meeting. I
19 know who's at the quarterly. I was wrong on my quarterly/monthly.
20 So describe for me the monthly.

21 A. At the monthly Executive Safety Council meeting, between in
22 the room and on the phone, depending on where they're located,
23 sometimes we do them here in D.C., sometimes we do them in
24 Philadelphia -- we get a greater turnout in Philadelphia only
25 because a number of the senior leaders are in Wilmington or

1 Philly, but on average, the meetings have 15 to 18 people at them
2 I would say, and they would average 2½ to 3 hours in my
3 estimation.

4 Q. Okay. Are the safety metrics discussed routinely at those
5 meetings?

6 A. The safety metrics are indeed discussed at those meetings.

7 Q. Would you please characterize what that discussion or what
8 usually that discussion entails?

9 A. Sure. At the high level, we talk about the key indicators
10 and whether we're doing well or whether we need room for
11 improvement. Regardless of positive trend or negative trend, we
12 talk about actions that are in place to improve those metrics. We
13 also of late have spent a very significant amount of time on the
14 system safety plan development under 270 and the training
15 development and management under 243. And then finally as I
16 referenced earlier, we have the core teams from each of the
17 regions around the country on a regular basis, so two or three
18 each time, present their individual metrics and what they are
19 doing to improve safety and improve metrics.

20 Q. Okay. I've got a bigger ask now. On the monthly executive
21 safety committee meetings, we talked about sharing agendas and
22 possible meeting minutes. Could you marry up with that some of
23 these safety metrics that you discussed and pass those along with
24 that data?

25 A. So would I -- yes. I guess the easy answer is yes. What I

1 will give you is the monthly dashboard that we look at each
2 month --

3 Q. That would be fine.

4 A. -- that has those details. It will probably be three or four
5 pages, and then I can also get you the presentations that the
6 individual core teams give on their individual metrics and
7 performance and actions.

8 Q. Okay. And I just want to add a word, too -- we have talked a
9 lot about the history of Safe-2-Safer and it's a safety-based
10 program. I just want a clear understanding. Whether we're
11 talking about whether unions have adopted it or not, but for those
12 that have, one of the concepts is that for it to be successful, it
13 needs to be voluntary. In other words, the employee has to want
14 to do it. Is that one of the core concepts there or not?

15 A. I think one of the concepts is, and if I understand where
16 you're going, and if I don't understand this to your -- to what
17 you're looking at, let me know. When we first started, there were
18 conversations that said for certain employees, we will bring you
19 in on a certain day and pay you all day long for looking out for
20 safety infractions and doing safety observations. That's not what
21 we're looking for. What we're looking for is safety to be a part
22 of every person's everyday job.

23 So when I walk by and I see something that's not safe, I
24 should say -- if this was my observation day, I would point that
25 out. I should point that out. Volunteer/not volunteer, that's

1 less of the issue. The issue is -- it isn't, I'm doing
2 observations today, but my other 5 days I'm just doing my job.
3 Observations are part of your job, whether they're Safe-2-Safer
4 observations, whether they're letting the safety liaison know that
5 you see something that doesn't look safe. That is part of
6 everybody's everyday job and they should be accountable for it and
7 also rewarded for it when they do it. And whether you're a
8 trackman, whether you're an executive, whether you're an executive
9 assistant, whether you're an accountant, if you see something
10 that's not safe, if you see an open elevator with no elevator
11 there and just a shaft, you don't just walk by it and say, boy,
12 that's weird. We're all responsible for everybody's safety and
13 that's what we're trying to shift the culture to.

14 Q. Okay. I get that.

15 A. Does that answer your question?

16 Q. Yes, and I'm going to try and help out the discussion here
17 with this next question. In addition to all the duties and
18 responsibilities that you have at Amtrak, do you commit time to
19 other organizations where you talk with your counterparts on other
20 railroads like the freight railroads or commuter railroads or
21 anything like that? You do?

22 A. I do. I am -- we are at Amtrak members of the Association of
23 American Railroads --

24 Q. Okay.

25 A. -- and our CEO is a member at the table and I attend as his

1 delegate, and I'm at every meeting whether he's there or sometimes
2 I serve for him. In addition, I'm an active member on the AAR
3 SOMS Committee, the Safety and Operations, Management Committee,
4 where we meet on at least a quarterly basis to discuss safety
5 issues, safety goings on and those types of concerns.

6 Q. Okay. We don't have to have a big discussion about this. I
7 just want to understand. Do you have an awareness of a program on
8 the BNSF Railway Company, and the title of it is Approaching
9 Others About Safety?

10 A. I have been part of discussions about that, yes.

11 Q. Would it be fair for me to understand that some elements and
12 philosophy of that program, although you call it Safe-2-Safer,
13 walks the same path?

14 A. That would be fair.

15 Q. Okay.

16 A. My understanding of that program is exactly the same as what
17 we are trying to drive here.

18 Q. Okay. They call it a different name, but the goal, the end
19 goal, the participation of volunteers and the peer-to-peer, the
20 comfortability about being able to approach others and talk about
21 it in a non-punitive type environment?

22 A. That's correct.

23 Q. Okay.

24 A. And stepping back, and this goes to a little bit of what we
25 were talking about before -- I don't care if it's called safety

1 liaison, I don't care if it's called Safe-2-Safer, I don't care if
2 it's called Amtrak safety -- getting the culture of people being
3 aware of their surroundings and their safe actions and their
4 colleagues' safe actions are the only way that we are going to be
5 the safest railroad in America.

6 Q. Okay. And listen, I'm aware that, whether it's a freight
7 operation, commuter operation or passenger operation, everybody
8 tracks statistics. Everybody looks at personal injuries,
9 accident, incident, all that kind of stuff, and it is -- all that
10 gathering is reactive by nature. Can you tell me anything, any
11 initiatives that Amtrak has where you're taking that data and
12 using it in a predictive model that directs you in a certain way?

13 A. Yeah, and so I'm going to say that a little differently.

14 Q. Okay.

15 A. But lagging indicators show you what's happened. What we're
16 trying to do is change what's going to happen. And we used to be
17 challenged with -- well, we're still challenged with this. When
18 you set goals for 5 years -- you have X number of injuries this
19 year; how many do you want next year? What will success look like
20 next year? Well, if you say anything other than zero, I think
21 you're really not being genuine, but I think we all know that
22 there are going to be injuries. So doing what we can -- and I
23 used the description earlier where 99 times out of 100 when you're
24 complacent, excellent work, everything's fine, but it's that one
25 time that causes problems. Eliminating that complacency and

1 preventing that one time is what we have to do. And that number
2 may be 990 times out of 1,000, but that one time is what we've got
3 to protect against, and you'll never be able to count how many
4 accidents, injuries that you can prevent, but that doesn't mean
5 you stop doing it.

6 Q. Okay. And at your level in the organization, I want to try
7 to understand better what are the challenges that you see in being
8 as nimble as you want to be to improve safety?

9 A. Very candidly, I think that there are a lot of politics that
10 get in the way of what we try to do at Amtrak, and the ability to
11 have everybody focus less on the drama that kind of swirls around
12 the railroad, for lack of a better word, and more on the doing
13 each of our jobs every day safely, that's a huge challenge.

14 Communication at Amtrak is a challenge. Getting a consistent
15 message to 20,000 employees across 46 states is a challenge, and
16 personally, I work very hard to get out and talk to people, not
17 just in these rooms, but out on the railroad. Anybody who's
18 worked with me for more than a couple of months has heard me use
19 the phrase that I will learn more in a dining car at 10:00 at
20 night to midnight talking to crews than I'll ever learn in this
21 room, in any room here, not this particular room.

22 And that's really what's important in my mind to drive safety
23 and to drive results. The understanding from the folks that are
24 in Klamath Falls or the people in Washington that are making these
25 high level decisions, care about their safety and care about their

1 well being, is something that I think is critical to get us to
2 band together on initiatives like safety. And the inability for
3 me and senior managers to get away from a desk, to get away from
4 meetings, and to get out and consistently send that message, I
5 think is a big challenge.

6 We've all played the cliché telephone game in school, I'll
7 whisper something to you and by the time it gets back to me, it's
8 going to be very different. We've got to be consistent,
9 management, labor, Amtrak. We're all one company and we need to
10 be together focused on keeping our company safe, and we don't do
11 that consistently.

12 MR. HIPSKIND: Okay. Thank you, DJ.

13 Ryan, if you can hear me, I'm tossing it over to you.

14 BY MR. FRIGO:

15 Q. DJ, you mentioned -- sort of talked a little bit more about
16 the lagging -- leading indicators. What are some of those
17 initiatives to look at leading indicators and then what is Amtrak
18 doing with that information?

19 A. One of the key leading indicators under Safe-2-Safer is the
20 number of observations, and the number of times that an outside
21 person, a peer, watches a function or a job being done and
22 comments on the safety of it, that's a leading indicator. The
23 more things we watch and review and attempt to correct, the better
24 we will be at preventing unsafe action. So that's a leading
25 indicator that we watch very closely specifically under Safe-2-

1 Safer.

2 I'd also look at what the safety liaisons are doing. Every
3 month they come to the joint meeting and they say these are the
4 concerns we have. The first month that we have a meeting and they
5 don't raise any concerns, I think that's a great success. But our
6 ability to listen to concerns and address them quickly, I think is
7 critical and we track that very closely.

8 We track -- when Jed Dodd sends a letter that says that we're
9 concerned about RWP training, we're concerned about the hot spot
10 book, being able to republish the hot spot book, being able to
11 address some of the things that are brought to us, those are all
12 leading indicators, less from a metric point of view and more from
13 a let's not let this issue hang out there because they just
14 fester. Let's understand the issue, make a decision, communicate
15 the decision, execute the decision, move on to the next one.
16 That's something that we work very hard to do specifically on
17 safety but really on all things.

18 Q. Do you also, do you track close calls in any way?

19 A. We do track close calls, yes. We have the close call program
20 where we get the confidential data and we look at where -- the
21 data that comes in and each individual situation and make changes
22 as are necessary to address those, yes.

23 Q. At your level? Are you part of the support team that makes
24 decisions on what comes through the close call reporting program?

25 A. I am not. I only get involved when there are disagreements

1 about what decisions to make. When the team itself can't come to
2 a decision on how to mitigate the risk, then it comes to me, but
3 I'm thankful to say that happens very rarely.

4 That being said, at the Executive Safety Council meetings, we
5 do talk on a regular basis of some of the things that are found.
6 One of the concerns that I have, and I've raised, and I think
7 we've done a good job of addressing this, is when we have a close
8 call report, and I'll use -- I should think of a good example
9 before using a bad one. But there are situations where people
10 report, hey, this signal at certain times of the day, the way the
11 sun hits it, only in certain times of the year, it's not easy to
12 see. And we'll get that data and we'll go out and look at it and
13 say, yes, when the sunset is 6:00, at the 5:40 train, it's
14 difficult to see that signal, so we will make adjustments to it.
15 And that's great, and that fixes the problem for that one signal,
16 and I think that's a huge success.

17 But the next step is going out and sending a message out that
18 says, hey, when you see a signal, anybody, that you can't see at
19 certain times of the day, let us know and we will work to fix it.
20 That second piece of leveraging good news stories in one small
21 pocket of the company and spreading it across the network, that's
22 something that we don't do consistently well that we have to do.
23 If that makes sense. It's not a great example.

24 Q. No, no, and, you know, sticking with that, I mean, what are
25 some of the future plans to better communicate with employees?

1 A. Well, some of the current plans, and they continue to grow,
2 we send out safety advisories that say this is a safety issue that
3 came up and this is a situation that happened. And we don't use
4 names, but we say this situation happened to an employee, this is
5 how we fixed it, be mindful in your area and in your job; if a
6 similar situation happens, this is what you should do to fix it.
7 So safety advisories, rules advisories, those are things we put
8 out on a regular basis to increase awareness in communication.

9 Q. Is there -- how do you guarantee that everybody sees those?
10 I mean, does it just go to management employees and supervisors
11 and the expectation is that the supervisor will show it to the
12 employees or is there, you know, a formal way that you can
13 guarantee that every employee has received, you know, for example,
14 a safety advisory?

15 A. Yeah. So there's now ay to guarantee, but what we do is we
16 send the message down and we instruct folks to go over the
17 advisories at safety briefings, at crew briefings, at the various
18 meetings that they have with their staffs. One of the reasons why
19 we put out the official advisories, so the message is consistent.

20 Do I -- can I guarantee that every single employee gets them?
21 No, I surely wish I could. I mean, we are working very hard to
22 improve that communication. We have challenges in that, of the
23 20,000 employees, there are quite a few that don't have email
24 addresses, so electronic communication is not always viable.
25 We're -- we have places where we have kiosks or where we have

1 screens in place that put safety news out there, safety data out
2 there, but it's not something that right now is universal and
3 comprehensive around the system, and it needs to be.

4 MR. FRIGO: Okay. Thank you. That's all I have. Thank you.

5 MR. HIPSKIND: Thanks, Ryan.

6 Fran, please.

7 MR. WALKER: All right. One question.

8 BY MR. WALKER:

9 Q. Regarding Special Instruction Rule 716-S2 regarding
10 telephones must not be used in lieu of radio communications to
11 obtain or release authorities unless communication is not
12 possible, investigation revealed that the foreman initiated the
13 call and the dispatcher accepted these phone conversations. Now
14 post -- and which probably was a common practice that happened a
15 lot on the railroads. Was anything post-accident issued to the
16 maintenance-of-way and dispatchers like by a safety advisory or
17 written instructions to remind dispatchers and maintenance-of-way
18 to comply with this rule?

19 A. I want to check on that. I know we talked about sending that
20 out. That was a very clear result of the investigation, that
21 there was complacency to use the word again. There are places
22 where the radios don't work well, and that's something that I
23 personally didn't know until I had this meeting with Jed Dodd, and
24 since then we've worked at getting people radios that didn't have
25 them and also understanding where there were places where -- and I

1 can't quote the rule, but where the communication was unavailable.
2 We messaged that shortly thereafter, but I can't speak to the
3 exact date and method of messaging. But we can surely get that.

4 MR. WALKER: All right. Thank you. That's all I have.

5 MR. HIPSKIND: Lou.

6 MR. TOMASSONE: Lou Tomassone.

7 BY MR. TOMASSONE:

8 Q. Dispatchers have road days. Are they required by Amtrak to
9 go out and work with other crafts just for the day to get a feel
10 for what they do for a job?

11 A. My understanding is that they are; however, there's no data
12 that comes to me that confirms that, yes, they have or, no, they
13 haven't.

14 Q. Okay. And my follow-up question was, I don't specifically
15 hear that they go out with engineering very often. There's no
16 requirement by Amtrak for dispatchers to spend road days with the
17 engineering department, specifically track. Is that correct?

18 A. I can follow up on that.

19 Q. Okay.

20 A. That's not my understanding, but I can follow up on that.

21 Q. And the final question --

22 A. It's surely something they should be doing.

23 Q. Okay. Thank you. The final question is: The FRA's been
24 working with Amtrak, we've been doing observations on roadway
25 workers, and there still seems to be some confusion with some of

1 the operating rules. Is there any standard operating procedure or
2 protocol for these employees to get a definite, definitive answer
3 on these confusions or questions they have from a subject matter
4 expert or someone at Amtrak who would be able to answer that?

5 A. The path would be to go through their supervisor and go up
6 and get it. We've got a rules department that issues guidance
7 when there's a discrepancy or a disagreement about the rule.
8 Whether that process is clearly delineated and all employees
9 understand that, I can't commit to. We send a message that when
10 you have a misunderstanding of a safety rule or a question, you
11 bring it to your supervisor and it goes up the chain, but as far
12 as the awareness that there's a rules department to make those
13 determinations -- we have that. Whether it's well communicated, I
14 can't answer.

15 MR. TOMASSONE: Okay. That's all I have.

16 MR. HIPSKIND: Thanks, Lou.

17 Willie.

18 BY MR. BATES:

19 Q. Just one question. Mr. Stadtler, on the topic of
20 observations, on your level, have you come up with a plan to give
21 more observations that, you know, that will be driven down to the
22 front-line employees?

23 A. The plan is the same plan that we have had in place, and it's
24 really collaborating with folks like you, Willie. I mean, you and
25 I talk about it. It's getting folks to continue to be aware of

1 their surroundings and to point out to others when things are
2 unsafe. Until we have 100 percent participation in that, we still
3 have room to grow, and really it's just continued communication
4 and showing folks how there is a positive impact of involvement in
5 safety observations, whether it's a Safe-2-Safer observation or
6 just a doing your job observation.

7 Q. Well, what method can we use to -- do you know of any method
8 that we can use to get that data in so that we can see that it's
9 happening?

10 A. At this point, other than the Safe-2-Safer, through the
11 Rincon process that the trained observers use, or the good-faith
12 challenges, there's not another method to do that. That being
13 said, every time I speak in public to any employees, I hand out my
14 email address and I say if there are any safety issues that you
15 know about or any issues that you need me to be aware of that you
16 feel are not being addressed, contact me. And folks that have
17 heard me talk and that have been around me, I clearly say I
18 respond to email. If you send me an email and there's 24 hours
19 that go by and I haven't responded, you ping me and say, I haven't
20 heard from you, because the inability for folks to get clear
21 answers about what's going on in this company, safety or
22 otherwise, is a big failure that personally I have tried to fix.
23 And I can guarantee you, I get a ton of email and I would
24 challenge you to find one that I don't respond to.

25 MR. BATES: Thank you.

1 MR. HIPSKIND: Thanks, Willie.

2 Don, anything?

3 MR. HILL: I have no further questions.

4 MR. HIPSKIND: And Theresa?

5 MS. IMPASTATO: Theresa Impastato.

6 BY MS. IMPASTATO:

7 Q. Relative to the implementation of the Safe-2-Safer process
8 and performing observations, can you talk a little bit about the
9 efforts that Amtrak undertook to assess our safety culture?

10 A. Sure. We, through that same program, did an OCDI survey that
11 went out to all of the employees to -- as soon as I said OCDI, I
12 knew you were going to -- I can get you the acronym for that, but
13 basically it's an assessment of how people feel about safety, if
14 they think the workplace is safe, if they think their manager
15 cares about them, if they think their manager cares about safety,
16 if they think the safeguards are in place or available to protect
17 what they do, and not surprisingly, the culture was not great.
18 The safety culture in 2009 when that survey was first taken was
19 not great.

20 We took those numbers and we did the analysis on a location-
21 by-location basis. There were places where the managers got very
22 high marks for, yes, my managers do care about safety and they do
23 talk to me about safety. And over the course of 2009, when it was
24 first given, to 2011 when it was given again, to 2013 when it was
25 given again, we went to the places where things were better and

1 talked about, what are you doing to encourage safety
2 communication? You got good scores, how are you making that work,
3 to leverage that good news stories.

4 We also went to place where folks didn't express a strong
5 concern about safety and talked to them about put an action plan
6 in place for what you're going to do to improve these numbers.
7 And each of my direct reports were required to prepare those
8 actions plans and they were required to have their direct reports
9 prepare official actions plans with how am I going to create my --
10 improvement in my culture.

11 Over the course of time that Safe-2-Safer has been in place,
12 we have taken that survey every other year through 2015, and the
13 numbers across the board, I think it's safe to say -- actually
14 safe to say, have continued to improve. Each time we've sent that
15 survey out, we see improvement.

16 They are not where we want them to be, but they're better
17 than what they were, and continued progress is what we're
18 committed to.

19 DR. BEATON: Is that a document you can share with the
20 investigation?

21 MR. STADTLER: Absolutely. We have the survey results.

22 MS. IMPASTATO: We have it.

23 DR. BEATON: Okay.

24 MR. HIPSKIND: Theresa, anything else?

25 MS. IMPASTATO: No further questions.

1 MR. HIPSKIND: Bob.

2 DR. BEATON: Thank you, Dick.

3 BY DR. BEATON:

4 Q. DJ, I'll try to be as efficient as I can. I want to just
5 circle back on a couple of topics here. But since we were just
6 talking about that survey, let me ask you. In those data that you
7 get through that survey, is there an assessment of how management,
8 senior management views Amtrak safety culture versus other lower
9 levels in the Amtrak organization's view of safety culture?

10 A. It doesn't clearly call out executive versus like local
11 manager.

12 Q. Okay.

13 A. It's more of an overall assessment of management.

14 Q. Okay.

15 A. That's one of the challenges that I have, is that there are
16 places where, just to use an example, people have multiple
17 managers, not necessarily their chain of command, but people
18 around them, and getting an understanding of really who's doing a
19 great job of promoting safety and getting them to come talk to
20 other folks and say, hey, here's what I'm doing and it's worked
21 really well, that's something that we are looking for. Safety
22 champions are something that we as a company need. We need to
23 find folks that are really knocking the ball out of the park, to
24 use a baseball analogy, and have them teach others how to do that.

25 Q. Okay. Is there a possibility that the view of Amtrak safety

1 culture differs across levels of the organization?

2 A. Yes.

3 Q. If that was the case, would we expect --

4 (Noise)

5 MR. HIPSKIND: Let's go off the record.

6 (Off the record.)

7 (On the record.)

8 UNIDENTIFIED SPEAKER: We're back on the record.

9 MR. HIPSKIND: Okay. Sorry for the interruption, but we're
10 back on the record now.

11 BY DR. BEATON:

12 Q. Okay. So I'll take a look at those data and that report and
13 I'll get the rest of the questions.

14 You were talking about, which I very much appreciated this,
15 and you had a very nice phrase that safety is part of everybody's
16 day all the time, in essence. Those weren't your words, but it
17 does speak to the level of individual accountability and
18 responsibility and not just a mandated "follow the rules" sort of
19 logic.

20 Looking forward from Chester and some of the lessons learned,
21 some of the actions that you've taken, some of the insights
22 perhaps that you've gleaned, in talking with your staff, a concept
23 related to individual responsibility that was put forth in our
24 interview was a critical self-assessment. Can you describe what
25 you're looking for out of that program or if that is in fact a

1 program?

2 A. I don't have deep knowledge of the official program of that.
3 I know what we have talked about is the fact that we all need to
4 be accountable for our own safety and the safety of others. It's
5 a little too clichéd, but we do a lot of finger pointing at Amtrak
6 saying, well, that wasn't my job, that was her job. And that's
7 got to stop. We all own safety. And I can say this from senior
8 leadership team, we all feel very strongly that the most important
9 thing we do is safety.

10 Just a small example, yesterday we were in a meeting,
11 executive level, about our new headquarters building. We're
12 moving out of Union Station. And there was a consultant that was
13 driving what we need from the new building, and it was a
14 confidential thing where we all put in our needs and they were
15 ranked from 1 to whatever the number was and they each got a
16 value, 10 or lower. And the need for the building to reflect safe
17 and secure work was rated 9.5. The one beneath that was somewhere
18 in the 6 range. So without any conversation, each of the
19 executives -- marketing, human capital, IT -- all of these non-
20 railroad people, put safety first. I mean, that shows, at least
21 in my mind, that we are starting to get this safety awareness more
22 prevalent at all levels, or at least at this level.

23 I also have anecdotally seen, since the time I've been here,
24 much more thorough safety briefings, much more candid conversation
25 about good safety news, bad safety news. It's something that's

1 got to be part of our everyday life.

2 Q. In my experience, and I assume in yours, we've seen safety
3 executed in a wide variety of ways, sometimes efficiently and
4 effectively, sometimes not so much. And the not so much
5 categories usually wind up being Band-Aid solutions to symptoms of
6 a larger root problem. So a way out of that situation oftentimes
7 is to raise a systems level sort of thinking, systems engineering
8 approach to looking at how events interact with one another; you
9 fix something here, something else may pop up there.

10 Educating the workforce with regard to a systems view of
11 safety and risks and risk assessment was offered to me as one of
12 the things in the future as Amtrak's safety program evolves. Can
13 you perhaps expand on your objectives or your visions for a -- to
14 educate the workforce from a system safety perspective?

15 A. Sure. And a big part of that is improving the communication
16 of what we're trying to do with safety, making folks more aware of
17 their surroundings. And I'll go back to the good-faith challenge,
18 but part of when folks show up to work, whether it's in an office
19 building, to be aware of the fact that here are the exits and what
20 might happen. Or it's a work gang where it's, okay, here's your
21 safety briefing. The time of day is X and we expect normal
22 traffic, and looking around -- it's a clear day so the vision is
23 better than some. Or if it's misty day, here's where we're not
24 going to have the vision that we normally do.

25 That kind of comprehensive understanding of your situation

1 regardless of where you are is critical for folks to -- well, your
2 words -- to assess the risk. On a clear day, you can see a lot
3 further than on a cloudy day. I mean, it's --

4 Q. Yeah.

5 A. There's not a lot of safety knowledge required for that. But
6 getting together as a team and saying it is a cloudy day,
7 everybody be aware of it; we don't have as much visibility so
8 watch when you're here, watch when you're here. That culture
9 shift to everybody all the time having an understanding of their
10 environment and the safety risks is where we're headed.

11 Q. That would almost be a utopian goal if you could get
12 everybody to think all the time about their own safety and the
13 safety of others.

14 A. Until we get there, we still have work to do and --

15 Q. I applaud you in having that vision.

16 So if I told you that I got some feedback that your roadway
17 workers were afraid on the job, what's the first thing that comes
18 to your mind?

19 A. Sadly, that doesn't surprise me.

20 Q. Can you educate me a little bit on why that doesn't surprise
21 you?

22 A. So just making sure I understand the feedback, we have had
23 multiple situations where I have personally talked to people and
24 other senior leaders have talked to folks and said, hey, you have
25 a safety concern, why didn't you bring it to your boss? And there

1 were fears of retaliation. Well, if I call my boss out for being
2 complacent, then my life will miserable or I won't be able to get
3 the overtime that other folks get. There are many reasons why
4 folks are not always as open as they can be on safety. And that's
5 a tremendous problem. That's a problem with the railroads as a
6 whole, talking to my peers, but I think especially so in Amtrak,
7 and it's something that we absolutely can't tolerate, and that's
8 getting that middle manager level.

9 And we talked about this before, that safety awareness and
10 understanding and ownership at various levels of the company -- if
11 you're like at my level and the level of my direct reports, we
12 live it, breathe it, eat it every single day. I think there are
13 other levels that, in pockets -- because I just don't want to say
14 every single ARSA supervisor, or every single assistant division
15 engineer, because it's not consistent that way. But there are
16 definitely pockets of, hey, you do what I tell you to do and,
17 trust me, it's safe. We can't allow that. We can't let people
18 think they're not safe -- or think they're safe when they're not.
19 Or not be allowed to say, hey, I'm unsafe. That's a big problem.

20 Q. In the context of this investigation by NTSB, representatives
21 of labor have, in their testimonies, used the word the workers are
22 afraid. And they've been -- I've asked them, afraid of what?
23 These are grown men playing with big machines, what are they
24 afraid of? And the answer I get back -- and I hope I do them
25 justice. I don't mean to minimize their concerns at all, but I

1 want to seek some clarity here. They're afraid to do their job,
2 to get their head in the game, to think beyond are they going to
3 violate a Cardinal Rule or not. And I've read your Cardinal
4 Rules, and I'm sure you're going to tell me that, you know, these
5 Cardinal Rules are nothing that a good railroader wouldn't do
6 anyway. And I would agree with you.

7 So I'm just trying to -- and I do appreciate that one side of
8 the labor-management fence will emphasize things for their
9 purposes; the other side will emphasize things for their purposes.
10 So I'm not naive with regard to those politics. But I am seeking
11 some clarity as a safety investigator as to why would your union
12 reps come to me and tell me that they're afraid because they don't
13 want to violate a Cardinal Rule, if in fact you're able to be
14 successful in communicating your vision of safety, which I've
15 already applauded you for. And so I'd like maybe just a -- if you
16 could have a little discussion with me to make me a wiser person
17 as to why the unions are saying that they're afraid?

18 A. Well, I think that goes down -- goes back to communication.
19 And the perception of a lot of the employees is that if I violate
20 a Cardinal Rule, I will be terminated. And that's absolutely not
21 the perception that we are trying to set, and I personally am
22 trying to set out there. In retrospect, and hindsight is almost
23 always 20/20, we probably didn't communicate that as well as we
24 could have.

25 We've had, I believe, 27 Cardinal Rule violations, and of

1 those, half of the folks were indeed terminated. But every single
2 Cardinal Rule violation goes to a group that looks at the
3 mitigating circumstances and that group decides what the
4 discipline is going to be, and there's a progressive discipline
5 process.

6 If it's a situation where it's an employee that doesn't have
7 any previous safety infractions or doesn't have a record -- I
8 don't want to say in every case, but for the most part, that
9 employee is brought back, that employee is -- we talk to them
10 about, hey, here's why that's a rule to your work that every good
11 railroader should know and follow. And we bring them back and
12 say, hey, talk to the crews and say, this is what I did and this
13 is what could have happened because of my rule violation, because
14 of what I did wrong and the decision I made. And we bring them
15 back and we have them go through to crew and talk about it and
16 then we get them back to work.

17 The perception is, wrongfully so, and I think communication,
18 again, could have been better, that you violate one of these
19 rules, you're terminated. Nothing could be further from the
20 truth. We spend -- take my operations, we spend a lot of money to
21 train our employees, to cultivate our employees, to get our
22 employees, and they're really our most important asset and this
23 company doesn't run without those employees. And to think that
24 I'm going to have a 15-year employee or a 20-year employee that
25 makes one mistake -- we all make mistakes -- and send them on

1 their way, you violate that rule, that's not what we're looking
2 for. What we're looking for is some understanding that we're a
3 rules based industry and there are a lot of rules, but these 10
4 are more important. These are the 10 that absolutely, positively
5 no one should ever break, end of story.

6 We have worked hard since the Cardinal Rules came out to make
7 sure that communication that it's not termination is clear. And I
8 think that folks that have come back and talked to crews about,
9 look, here's what happened and here's why it was bad, has gone a
10 long way. Fear is not a good thing in a safety critical industry.
11 I'd be hard pressed to find somebody to disagree with that
12 statement, and people can't be working afraid.

13 Q. Yeah, I agree with you. I was really struck when, you know,
14 not just one but in concert a clear and concise message or
15 presentation of a message was made that, you know, workers don't
16 have their head in the game because they're afraid of breaking a
17 Cardinal Rule.

18 And I'm sure you have lots of experience on issues that
19 warrant safety stand-downs or some kind of clarification, but, you
20 know, in the context of Chester, as this investigations unfolds
21 here, what we're peeling back in a layer of an onion, if you will,
22 is either a misrepresentation or a misunderstanding. I don't know
23 what. But, you know, clearly we have today these workers saying
24 that they're afraid and they're not going to get their head in the
25 game. When I look at the events of Chester, maybe I could say a

1 lot of people didn't have their head in the game, but I didn't see
2 anybody getting fired that day, so I don't know really where the
3 truth is here in terms of workers really being afraid. But
4 clearly that kind of conversation, that perspective, would rise up
5 on my radar if I was working for you in your safety department and
6 I would have to have a message going out to the staff. And I'm
7 not telling you what to do.

8 A. Understood.

9 Q. I'm just making -- I'm making conversation here to gauge the
10 reaction of Amtrak.

11 Close call reporting like the Safe-2-Safer, that is currently
12 an active program?

13 A. We currently participate in the FRA sponsored C3RS,
14 Confidential Close Call Reporting System. And similar to Safe-2-
15 Safer, there are a number of our unions who are full party
16 participants and there are a couple that are not.

17 Q. Okay. We'll go down that path again. Are the unions that
18 don't participate in close call reporting, are they also the same
19 unions that don't participate in Safe-2-Safer?

20 A. For the most part, yeah.

21 Q. Okay. And the unions that were represented on the day of the
22 accident at Chester, were those unions that had opted out or chose
23 not to participate in close call reporting?

24 A. At that point they had not signed a C3RS agreement. That's
25 correct.

1 Q. Okay.

2 A. But we had been working with them for an extended period of
3 time to get them to be part of the program, because I think we
4 both see the value of the program. But at that point they were
5 not, and they're still not.

6 Q. Aside from the leverage and politics, I think that you were
7 suggesting before why somebody wouldn't participate in Safe-2-
8 Safer, are there other reasons than those leverage and contract
9 reasons that a union would not want to participate in close call
10 reporting system?

11 A. I would have to speculate as to that. I do know based on
12 conversations I've had with Mr. Dodd, that we had -- and it's
13 confusing because with C3RS, the Confidential Close Call, is one
14 program, and the engineering close call program is a different
15 one. A lot of times they're confused. Okay. But we had, back in
16 2000-2001 era a close call program that was piloted -- I wasn't
17 here so a lot of this is anecdotal -- but a close call program
18 that was piloted, I'm told, was supposed to be in place for a
19 short period of time but then stayed in place until 2014 or so and
20 then it was taken out of place. And my conversations with Jed
21 Dodd are that he's happy to sign up for C3RS as long as we bring
22 back that close call program as it was back then.

23 And this is getting into way more than your question, but I
24 actually like his close call program, the one that was in place.
25 I think that it's very effective. Some of the -- I think they're

1 both very effective and I think they can work well together. The
2 Confidential Close Call Reporting is 100 percent anonymous.
3 People fill it out and there may not ever be any conversation
4 about what's being reported. It goes off to a data source, comes
5 back to us and then we make decisions on how to mitigate those
6 risks, as we talked about. Very effective, very safe, safe to
7 employees that any fear that they have of retaliation. Folks
8 don't know who reported what when. That's good.

9 However, there's a time gap between when I put my little blue
10 form in the mail and when there's potentially a change. In the
11 close call program that was in effect back in 2000 is different in
12 that if you see something that's not safe that could have resulted
13 in an accident or an injury but didn't, you report it, you talk
14 about it as a work gang, you talk about what should have been done
15 differently, and the next day we send out a safety advisory
16 basically saying, hey, here's what happened yesterday, similar to
17 what we do in other places.

18 I think both of those can work well together because under
19 the old close call there's immediacy of the information and
20 there's an instant response to, yes, this was unsafe and now it's
21 safe. I think that's a very positive message and one that's very
22 important.

23 Where -- and we were very close to bringing on this, too.
24 Where we got hung up there is, the way I understand the union's
25 desire for the close call program, is they want to have a program

1 that is absent discipline. So under their program I could have
2 the same safety misstep every day and as long as I call it a close
3 call, there's no accountability for that. And I think the
4 difference between the perception of the Cardinal Rules of if you
5 have one misstep you're terminated and you can misstep every day
6 and just say close call, there's a middle ground, and I think
7 we've got to find that middle ground.

8 The union's response to me, and this is not -- I'm not
9 speculating. But what they say is, look, it's self-policing. The
10 union brothers will take care of themselves and make sure that
11 there's not an ongoing misstep. But I personally am
12 uncomfortable, and discussing with the Amtrak leadership, we're
13 uncomfortable with a program that is absolutely absent discipline.
14 And that's the one sticking point. And it's a shame, and I've
15 talked to Mr. Dodd about this, we've got to get to agreement on
16 this because there are so many positive things from that program
17 that would help us instantly that we don't necessarily get from
18 C3RS. I want that -- I want us to agree on that. The discipline
19 is the sticking point. Way too much information, I think.

20 Q. Well, I appreciate the answer and the insight. I'm just
21 looking for clarity and you gave me an awful lot of it there.

22 One last area that I'd like to touch on, in your
23 organization, and maybe these are people who report to you or in
24 parallel organizational structures, there's a lot of jobs that
25 have safety in the title or safety in the scope of job

1 responsibilities. For somebody to qualify for one of those
2 positions, can you tell me what is the expectation for that
3 individual's background, education, either experience-based or
4 formally in academia, as a safety specialist, safety engineer?

5 A. I cannot comprehensively answer that question. I do know
6 that one of the things when we created the current Office of
7 Safety, the System Safety Office, we did a run of all of the
8 employees that had safety in their titles and took a look at the
9 work those folks are doing, and some of them were much more deeply
10 involved in safety than others. Part of what we're doing through
11 the training initiative that I talked about under Section 243 is
12 coming up with a list of the true safety critical positions and
13 understanding what's required for those positions, putting that
14 matrix in place that says you've got to have this certification
15 and this training on these dates, et cetera.

16 Over the course of the next 13 to 14 months, we will have
17 that in place and we'll have much more clarity around that. We
18 don't have that now. There are plenty of jobs that have safety in
19 the title that don't have clear safety requirements other than the
20 overall everybody's responsible for safety. But that's something
21 that we are aware of and are meeting on, because it's not --

22 Q. Okay. Related to that, the safety liaisons and their
23 selection, the process to be selected for a safety liaison, would
24 their safety qualifications or background or experience be a
25 consideration?

1 A. Absolutely. And they are selected in concert with labor and
2 management. I can get you the description of what they do and
3 some background on how that process goes. But, yes, their safety
4 history is definitely part of the deciding background, whether
5 they're qualified for a liaison or not.

6 Q. Okay. And just to be clear, that's safety education; that
7 is, they're prepared or they have proper safety certs and
8 qualifications?

9 A. I can get you the exact qualifications. I'm not sure that we
10 are looking for actual certificates as much as we are the safety
11 experience. But I can get that.

12 Q. I would appreciate that. I'd like to have that information.

13 I believe that that is all that I have, sir. Thank you for
14 -- oh, I -- one more question. One more question.

15 Are you familiar with the phrase safety management systems?

16 A. I have heard the phrase before, yes.

17 Q. But if you've ever listened to an NTSB board briefing with
18 our current board members, undoubtedly somebody is -- talked about
19 SMS, or safety management systems. And so I may -- if you're not
20 intimately familiar that concept, I won't hold you to the details,
21 but within that context there's a notion -- and this is a
22 management system so it could be a financial management system,
23 it's a safety management system -- there is a core component
24 called promotion. And the idea behind this component in the
25 management system is that whatever programs you put in place,

1 whatever assurances you set up, whatever techniques you use to
2 guide, things have to get propagated down to the corporation, to
3 the workforce, and that's through various means of promotion.

4 When you think back on Chester and the events that happened
5 that day at Chester, can you identify anything that sort of failed
6 from your safety programs in terms of not being promoted well
7 enough? I mean, things that could have helped or could have
8 worked, and I know we've already talked about the SSDs and we've
9 talked about the communications, but was there anything more
10 formal that could have helped that wasn't promoted well for those
11 workers?

12 A. This may not be as formal as what you're looking for, but
13 there were a lot of people there that could have seen, hey,
14 there's a problem. A good-faith challenge definitely was not
15 embraced.

16 Q. Okay.

17 A. There were a lot of people there that could have seen, hey,
18 something's wrong, let's stop what we're doing.

19 Q. And raised the -- okay.

20 A. Yeah. And that's one of many things that were learned. We
21 have got to get that message out to folks that everybody can and
22 should stop any work that's not safe. That definitely could help.

23 Q. Okay. Of all the things that you learned down at Chester,
24 did you write those things down?

25 A. Sure.

1 Q. Do you have those in a document that you could share with the
2 investigation?

3 A. We have a number of documents. Certainly. We briefed the
4 board right afterwards and talked about some of the actions that
5 were taking place. We could have that sent --

6 Q. And I presume that Theresa's already provided us with a lot.

7 DR. BEATON: But if there's something, Theresa, that you're
8 aware of that as a result of the lessons learned that we don't
9 have, I'd appreciate it.

10 Okay. DJ, thanks -- again, I appreciate your openness and
11 your straightforwardness in having a conversation with me.

12 MR. STADTLER: My pleasure. Thank you.

13 MR. HIPSKIND: DJ, we're about to the end of the road. Let
14 me just poll everybody and then we'll go to the closing piece.

15 Fran? Lou? Willie? Don? Theresa?

16 DR. BEATON: I'm good.

17 MR. HIPSKIND: You don't get a second --

18 DR. BEATON: Oh.

19 (Simultaneous conversation, laughter)

20 UNIDENTIFIED SPEAKER: If you want to call back, I'm happy to
21 take -- go have some lunch.

22 BY MR. HIPSKIND:

23 Q. I just want to just ask one closing comment that -- in a lot
24 of things that we've talked today, whether it's roadway worker
25 groups and good-faith challenge or just going through the process

1 procedure of a job briefing, peer-to-peer, all these different
2 programs we're talking about, isn't -- in your opinion is one of
3 the key challenges a matter of engagement, of drawing out the
4 employee to be engaged, not only in their own safety but the
5 safety of others around them? Is it -- am I anywhere close to the
6 bullseye?

7 A. I think that is absolutely a gap that needs to be filled.
8 Getting folks engaged in their safety and the safety of others,
9 company-wide, is critical, and we don't have that consistently.
10 When I talk to gangs, when I talk to crews, there are folks that
11 are very aware of safety and very open about identifying things.
12 And it's not just on the railroad. When I walk to the Hill with
13 our government affairs folks, there's a street that never has any
14 traffic but it always has a red hand. And some of them will just
15 walk across the street as opposed to wait the 45 seconds and press
16 the button. One day there is going to be a car going on that
17 street and they're going to get hit. And over the course of time,
18 and I hope they do it when they're not with me, but surely when
19 they're with me, they stop, press the button and wait the 45
20 seconds.

21 That ability -- again, that's a real basic example. But we
22 all need to be taking those same steps, not being afraid to say,
23 yeah, I know you're vice president of government affairs, but stop
24 at the crosswalk and follow the safe procedures. And that's --
25 that engagement at all levels is something that we've got to

1 continue to improve.

2 Q. Are you working on that?

3 A. Every day.

4 MR. HIPSKIND: All right. If there are no other questions,
5 let me turn it over to John.

6 Do you have any points of clarification?

7 MR. BONVENTRE: I do not. Thank you.

8 MR. HIPSKIND: All right. Thank you, John.

9 Let me go through some closing questions here.

10 BY MR. HIPSKIND:

11 Q. Is there any -- DJ, is there anything that you would like to
12 add or change to the conversation we've had here this morning?

13 A. Not at this point, no.

14 Q. Okay. And are there any questions that we should have asked
15 but we did not?

16 A. Not to my knowledge, no.

17 Q. You think we've asked enough questions?

18 A. I think you've probably asked -- yes.

19 Q. All right. And do you have any suggestions for preventing a
20 reoccurrence? And I know you're on the record with any of the
21 post-accident changes. Anything other than that?

22 A. Only continued focus on this. And this -- I'm anxious to get
23 the report back. I'm anxious to learn as much as I can about what
24 happened here and also what happens every day so we can
25 collaboratively -- and I feel strongly, collaboratively with

1 everyone in the company, with the FRA, with any other interested
2 parties, to continue to improve.

3 Q. Okay. Thanks for that.

4 And is there anyone else who we should interview?

5 A. I believe your list is comprehensive.

6 MR. HIPSKIND: Thank you very much. And with that, we will
7 adjourn.

8 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: ACCIDENT INVOLVING AMTRAK TRAIN
#89 AND MOW EQUIPMENT AND
EMPLOYEES NEAR CHESTER,
PENNSYLVANIA ON APRIL 3, 2016
Interview of DJ Stadtler

DOCKET NUMBER: DCA16FR007

PLACE: Washington, D.C.

DATE: September 29, 2016

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Kathryn A. Mirfin
Transcriber